

**DEPARTMENT OF THE TREASURY
OFFICE OF FOREIGN ASSETS CONTROL**

Information Concerning General License Authorization

Travel to Cuba for Professional Research

The Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the "Regulations"), administered by the U.S. Department of the Treasury's Office of Foreign Assets Control ("OFAC"), were amended on May 13, 1999, providing for, among other things, **authorization by general license** for travel-related transactions in Cuba for the purpose of conducting professional research.

Section 515.564(a) of the Regulations now authorizes the travel-related transactions set forth in section 515.560(c) and such additional transactions as are directly incident to professional research in Cuba by full-time professionals researching in their professional areas. This general license authorizes these transactions without the need for further authorization from OFAC. A copy of sections 515.560 and 515.564 are attached. Please review these sections to confirm that your proposed transactions qualify for the general license.

Should you make your travel arrangements through an OFAC-licensed Travel Service Provider ("TSP"), the TSP will require you to confirm your belief that you qualify under the general license for travel to Cuba to conduct professional research. You should also be aware that the maximum authorized per diem expense in Cuba is now \$195.00, an amount that conforms to the rate for U.S. Government travelers presently in effect.

Questions should be directed to the Licensing Division of the Office of Foreign Assets Control at (202) 622-2480.

[Code of Federal Regulations]
[Title 31, Volume 2, Parts 200 to END]
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TITLE 31--MONEY AND FINANCE: TREASURY

CHAPTER V--OFFICE OF FOREIGN ASSETS CONTROL,
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Subpart E--Licenses, Authorizations, and Statements of Licensing Policy

Sec. 515.564 Professional research and professional meetings in Cuba.

(a) General license. (1) The travel-related transactions set forth in Sec. 515.560(c) and such additional transactions that are directly incident to professional research by full-time professionals who travel to Cuba to conduct professional research in their professional areas are authorized, provided that:

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(i) The research is of a noncommercial, academic nature;
(ii) The research comprises a full work schedule in Cuba;
(iii) The research has a substantial likelihood of public dissemination; and

(iv) The research does not fall within the categories of activities described in paragraph (c), (d), or (e) of this section.

(2) The travel-related transactions set forth in Sec. 515.560(c) and such additional transactions as are directly incident to travel to Cuba by full-time professionals to attend professional meetings or conferences in Cuba organized by an international professional organization, institution, or association that regularly sponsors meetings or conferences in other countries are authorized, provided that:

(i) The international professional organization, institution, or association is not headquartered in the United States unless that organization, institution, or association has been specifically licensed to sponsor the meeting in Cuba;

(ii) The purpose of the meeting or conference is not the promotion of tourism in Cuba or other commercial activities involving Cuba that are inconsistent with this part; and

(iii) The meeting or conference is not intended primarily for the purpose of fostering production of any biotechnological products.

Note to paragraph (a):

See Secs. 501.601 and 501.602 of this chapter for applicable recordkeeping and reporting requirements. Exportation of equipment and other items, including the transfer of technology or software to foreign persons ('`deemed exportation'') and items not eligible for Department of Commerce GFT or BAG License Exceptions, 15 CFR 740.12 and 740.14, may require separate authorization by the Department of Commerce.

(b) Specific licensing. Specific licenses may be issued on a case-by-case basis authorizing the travel-related transactions set forth in Sec. 515.560(c) and other transactions that are directly incident to professional research and professional meetings that do not qualify for the general license in paragraph (a) of this section. Specific licenses may be issued pursuant to this section authorizing transactions for

multiple trips to Cuba over an extended period of time by applicants demonstrating a significant record of research. Specific licenses will not be issued for travel-related transactions for purposes of attendance at meetings or conferences in Cuba organized by the Cuban government where such meetings or conferences could be intended primarily for the purpose of fostering the production of any biotechnological products.

(c) Categories of activities that do not qualify for the general license in paragraph (a) of this section and for which the specific licenses described in paragraph (b) of this section will not be issued include recreational travel; tourist travel; travel in pursuit of a hobby; research for personal satisfaction only; and any travel for an authorized professional research purpose if the schedule of activities includes free time, travel, or recreation in excess of that consistent with a full work schedule of professional research or attendance at professional meetings or conferences.

(d) An entire group does not qualify for the general license in paragraph (a) of this section and will not be issued a specific license under paragraph (b) of this section merely because some members of the group could qualify individually for such licenses.

Example 1 to paragraph (d): A musicologist travels to Cuba to do research on Cuban music pursuant to the general license for professional researchers set forth in paragraph (a) of this section. Others who are simply interested in music but who do not research music as part of their careers may not engage in travel-related transactions with the musicologist in reliance on this general license. For example, an art historian who plays in the same band with the musicologist would not qualify as a professional researcher of Cuban music for purposes of this general license.

Example 2 to paragraph (d): A specific license issued pursuant to paragraph (b) of this section authorizing travel-related transactions by a fish biologist who travels to Cuba to engage in professional research does not authorize transactions by other persons who might travel with the fish biologist but whose principal purpose in travel is to engage in recreational or trophy fishing. The fact that such persons may engage in certain activities with or under the direction of the professional fish biologist, such as measuring or recording facts about their catch, does not bring these individuals' activities within the scope of professional research and similar activities.

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(e) A person will not qualify as engaging in professional research merely because that person is a professional who plans to travel to Cuba.

Example 1 to paragraph (e): A professor of history interested in traveling to Cuba for the principal purpose of learning or practicing Spanish or attending general purpose lectures devoted to Cuban culture and contemporary life does not qualify for the general license in paragraph (a) of this section or for a specific license issued pursuant to paragraph (b) of this section.

Example 2 to paragraph (e): A professional photographer who wishes to take photographs in Cuba that will become the basis for creating post cards, paintings, and other secondary products or that merely document the photographer's travel does not qualify for the general license in paragraph (a) of this section or for a specific license issued pursuant to paragraph (b) of this section.

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TITLE 31--MONEY AND FINANCE: TREASURY

CHAPTER V--OFFICE OF FOREIGN ASSETS CONTROL,
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PART 515--CUBAN ASSETS CONTROL REGULATIONS--Table of Contents

Subpart E--Licenses, Authorizations, and Statements of Licensing Policy

Sec. 515.560 Travel-related transactions to, from, and within Cuba by persons subject to U.S.

(a) The travel-related transactions listed in paragraph (c) of this section may be authorized either by a general license or on a case-by-case basis by a specific license for travel related to the following activities (see the referenced sections for general and specific licensing criteria):

- (1) Family visits (general and specific licenses) (see Sec. 515.561);
- (2) Official business of the U.S. government, foreign governments, and certain intergovernmental organizations (general license) (see Sec. 515.562);
- (3) Journalistic activity (general and specific licenses) (see Sec. 515.563);
- (4) Professional research (general and specific licenses) (see Sec. 515.564);
- (5) Educational activities (specific licenses) (see Sec. 515.565);
- (6) Religious activities (specific licenses) (see Sec. 515.566);
- (7) Public performances, clinics, workshops, athletic and other competitions, and exhibitions (general and specific licenses) (see Sec. 515.567);
- (8) Support for the Cuban people (specific licenses) (see Sec. 515.574);
- (9) Humanitarian projects (specific licenses) (see Sec. 515.575);
- (10) Activities of private foundations or research or educational institutes (specific licenses) (see Sec. 515.576);
- (11) Exportation, importation, or transmission of information or informational materials (specific licenses) (see Sec. 515.545); and
- (12) Certain export transactions that may be considered for authorization under existing Department of Commerce regulations and guidelines with respect to Cuba or engaged in by U.S.-owned or controlled foreign firms (specific licenses) (see Secs. 515.533 and 515.559).

(b) Travel-related transactions in connection with activities other than those referenced in paragraph (a) of this section may be authorized on a case-by-case basis by a specific license issued pursuant to Sec. 515.801.

(c) Persons generally or specifically licensed under this part to engage in transactions in connection with travel to, from, and within Cuba may engage in the following transactions:

(1) Transportation to and from Cuba. All transportation-related transactions ordinarily incident to travel to and from (not within) Cuba, provided no more than \$500 may be remitted to Cuba directly or indirectly in any consecutive 12-month period for fees imposed by the Government of Cuba in conjunction with such travel unless otherwise authorized.

(2) Living expenses in Cuba. All transactions ordinarily incident to

travel anywhere within Cuba, including payment of living expenses and the acquisition in Cuba of goods for personal consumption there, provided that, unless otherwise authorized, the total for such expenses does not exceed the ``maximum per diem rate'' for Havana, Cuba in effect during the period that the travel takes place. The per diem rate is published in the State Department's ``Maximum Travel Per Diem Allowances for Foreign Areas,'' a supplement to section 925, Department of State Standardized Regulations (Government Civilians, Foreign Areas), available from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or on the Internet at <http://www.state.gov/www/perdiems/index.html>.

(3) Purchase in Cuba and importation into the United States of merchandise. The purchase in Cuba and importation as accompanied baggage into the United States of merchandise with a foreign market value not to exceed \$100 per person, provided the merchandise is imported for personal use only. Such merchandise may not be resold. This authorization may be used only once every six consecutive months. As provided in Sec. 515.206(a), the purchase and

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importation of information or informational materials are exempt from all restrictions contained in this part.

(4) Carrying remittances to Cuba. The carrying to Cuba of any remittances that the licensed traveler is authorized to remit pursuant to Sec. 515.570, provided that no more than \$300 of remittances authorized by Sec. 515.570(a) or (b) is carried in any one trip, unless otherwise authorized. Those licensed travelers carrying either of the emigration remittances authorized pursuant to Sec. 515.570(c) must be able to produce the visa recipient's full name and date of birth and the number and date of issuance of the visa or other travel authorization issued. A licensed traveler to Cuba is only authorized to carry remittances that he or she is authorized to remit and may not carry remittances being made by other persons.

(5) Processing certain financial instruments. All transactions incident to the processing and payment of checks, drafts, travelers' checks, and similar instruments negotiated in Cuba by any person authorized pursuant to this part to engage in financial transactions in Cuba. For purposes of this section, the authorized transactions may be conducted using currency, which is defined as money, cash, drafts, notes, travelers' checks, negotiable instruments, or scrip having a specified or readily determinable face value or worth, but which does not include gold or other precious metals in any form.

Note to paragraph (c):

The authorizations in paragraph (c) of this section do not apply to fully-hosted travelers because their travel-related transactions are not licensed or authorized pursuant to this part. See Sec. 515.420.

(d) A Cuban national departing the United States may carry currency, as that term is defined in paragraph (c)(5) of this section, as follows:

(1) The amount of any currency brought into the United States by the Cuban national and registered with the U.S. Customs Service upon entry;

(2) Up to \$300 in funds received as remittances by the Cuban national during his or her stay in the United States; and

(3) Compensation earned by a Cuban national from a U.S. academic institution up to any amount that can be substantiated through payment receipts from such institution as authorized pursuant to Sec. 515.565(a)(2)(v).

(e) The following transactions by persons generally or specifically licensed to engage in travel-related transactions to, from, and within Cuba are prohibited by Sec. 515.201 unless specifically authorized:

(1) All transactions by persons subject to U.S. jurisdiction related to the utilization of charge cards, including but not limited to debit

or credit cards, for expenditures in Cuba.

(2) All transactions related to the processing and payment by persons subject to U.S. jurisdiction, such as charge card issuers or intermediary banks, of charge card instruments (e.g., vouchers, drafts, or sales receipts) for expenditures in Cuba. The issuer of a charge card, or a foreign charge card firm owned or controlled by persons subject to U.S. jurisdiction, is not authorized to deal with a Cuban enterprise, a Cuban national, or a third-country person, such as a franchisee, in connection with the extension of charge card services to any person in Cuba.

(f) Persons traveling to Cuba fully hosted as described in Sec. 515.420 may not carry currency to pay for living expenses or the purchase of goods in Cuba except as specifically licensed pursuant to or exempted from the application of this part.

(g) Nothing in this section authorizes transactions in connection with tourist travel to Cuba, nor does it authorize transactions in relation to any business travel, including making or agreeing to make any investment in Cuba, establishing or agreeing to establish any branch or agency in Cuba, or transferring or agreeing to transfer any property to Cuba, except transfers by or on behalf of individual or group travelers authorized pursuant to this part.

[64 FR 25814, May 13, 1999]